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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,381	05/24/1999	HAMESH CHAWLA	CIS99-1267	9031

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EXAMINER
TRAN, THIEN D

ART UNIT	PAPER NUMBER
2665	7

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/317,381	CHAWLA ET AL.	
	Examiner	Art Unit	
	Thien D Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 January 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Elwalid et al (U.S Patent No 6,353,616 B1).

Regarding claims 1, 21, 29, Elwalid discloses a method for dynamically adjusting reserved bandwidth in a data communications device while transporting a session of data communication within the device, the method comprising the steps of:

establishing a first bandwidth reservation associated with a session of data a communication in the data communications device (col.7 lines 55-65);

transporting, through the data communication device, data (application data) associated with the session of data communication utilizing data storage locations associated with the first bandwidth reservation (col.7 lines 9-25);

receiving bandwidth allocation updated messages such as PATH message or RSVP requested message (adjustment information) during the session of data communication, within the bandwidth reservation request (figure 4, col.1 lines 35-60, col.10 lines 60-65); and

dynamically adjusting the first bandwidth reservation to produce a second bandwidth reservation for the session of application data communication in accordance with the bandwidth allocation adjustment information within the bandwidth reservation request while continually maintaining the session of data communication (figure 5, col.11 lines 15-30).

Regarding claim 23, Elwalid discloses a method of data communications device capable of dynamically adjusting reserved bandwidth while maintaining a session of data communication, the device comprising:

an input for receiving application data including bandwidth reservation requests;

a data storage mechanism including data storage locations; a bandwidth reservation processor coupled to the input port and accepting a first bandwidth reservation request indicating a first amount of bandwidth to reserve for the session of data communication in the data communications device, the bandwidth reservation processor establishing a first bandwidth reservation associated with a session of data communication in the data storage locations (col.11 lines 10-20); and

a data scheduler coupled to the input port and coupled to the data: storage mechanism, the data scheduler receiving application data associated with the session of data communication and depositing the application data associated with the session of data communication into the data storage locations associated with the first bandwidth reservation. See figure 2, col.4 line 45 to col.5 lines 45.

Regarding claims 2, 12, 13, 14, 30, 31, Elwalid discloses a step of establishing a-first bandwidth reservation includes the steps of

accepting a first bandwidth reservation request indicating a first amount of bandwidth to reserve for the session of data communication in the data communication device;

labeling, with an identity of the session of data communication, a first percentage of available data storage locations used to store application data transported through the data communications device thus establishing the first bandwidth reservation, wherein the first percentage of storage locations labeled is based upon the first amount of bandwidth requested as indicated in the first bandwidth reservation request. See col.6 lines 20-25.

Regarding claims 3, 15, 24, 25, 26, Elwalid discloses step of accepting a first bandwidth reservation request, the step of establishing a first bandwidth reservation further includes the step of calculating and storing a first percentage of total device bandwidth to allocate to the session of data communication based upon the first bandwidth reservation request; and

wherein the first percentage of data storage locations labeled in the step of labeling is based upon the calculated first percentage of total device bandwidth to allocate to the session of data communication. See col.10 lines 30-40.

Regarding claims 4, 8, 10, 11, 27, 28, Elwalid discloses the step of calculating and storing, stores the calculated first percentage in a resource allocation table which is independently accessible by the step of labeling and the step of dynamically adjusting, so as to allow the step of dynamically adjusting to alter the calculated percentage in the resource allocation table without disrupting the step of labeling, thus allowing the bandwidth reservation in the device to be adjusted without effecting operation of the step of transporting. See col.9 lines 5-20.

Regarding claims 5, 9, 20, 22, Elwalid discloses the step of dynamically adjusting the first bandwidth reservation to produce a second bandwidth reservation includes the steps of

accepting a second bandwidth reservation request indicating a second amount of bandwidth to reserve for the session of data communication;

labeling, with an identity of the session of data communication, a second percentage of available data storage locations used to store application data transported through communications device thus establishing the second bandwidth reservation, wherein the second percentage of storage locations labeled is based upon the second amount of bandwidth requested as indicated in the second bandwidth reservation request; and

Wherein the second percentage of storage locations labeled is different than the first percentage of storage locations labeled. See col.12 lines 10-20.

Regarding claims 6, 7, 16-19, Elwalid discloses the step of dynamically adjusting the first bandwidth reservation to produce a second bandwidth reservation further includes the step of

calculating and storing a second percentage of total device bandwidth to allocate to the session of data communication based upon the second bandwidth reservation request; and

wherein the second percentage of data storage locations labeled in the step of labeling is based upon the calculated second percentage of total device bandwidth to allocate to the session of data communication. See col.12 lines 10-20.

Regarding claim 32, Elwalid discloses devices in figure 2 for processing a method of bandwidth allocation information, which can dynamically change during a session of data communication. For example, the load of data can be increased or decreased depending network conditions. Therefore, having readable medium for encoding, storing applicant data, and along with the method of bandwidth allocation information including an identity of at least one session of data communication and a number representing a percentage of data storage location to associate with the identity of the at least one session of data communication, the number indicating a number of labels to apply to data storage locations so as to reserve the data storage locations for the application data associated with the at least one session of data communication are inherent in the method of Elwalid.

RESPONSE TO ARGUMENT

3. Applicant's arguments files on 01/27/2003 have been fully considered but they are not persuasive.

Applicant argues that Elwalid does not disclose dynamically adjusting a first bandwidth reservation to produce a second bandwidth reservation for the session of data communication in accordance with the bandwidth allocation adjustment information, within the bandwidth reservation request. However, Examiner disagrees with the argument because Elwalid discloses that a communication system using RSVP protocol, which allows adjusting the bandwidth of data flow (data is the application data) during an already established connection by using the PATH message or RSVP request message (dynamically adjusting a first bandwidth reservation to produce a second bandwidth reservation for the session of data communication in accordance with the bandwidth allocation adjustment information). See col.1 lines 30-50.

Applicant also argues that data processing at communication devices in the network is not application data. However, Examiner disagrees with the argument because packets generated at the source 102 are the application data, which is transmitted during the connection session. See figure 1, col.1 lines 20-55.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran

ALPUS H. HSU
PRIMARY EXAMINER